

**Summary of Virginia Agricultural BMP Advisory Committee Meeting**  
**Department of Forestry, Charlottesville, VA**  
**9:30 A.M., November 9, 2006**

**Attendees:**

Van Gallier	DEQ	Wayne Turley	HRSWCD
Robert Bradford	VASWCD	Mark Meador	DCR
Darrell Marshall	VDACS	Gary Moore	DCR
Craig Brann	VACDE	Wilmer Stoneman	VFB
Debbie Cross	DCR	Seth Mullins	DCR
Tony Pane	DCR	Dale Gardner	VA Dairymen
Libby Norris	CBF	Don Wells	VASWCD
Stephanie Martin	DCR	Neil Zahradka	DEQ
Ed Overton	VASWCD Ag Committee	John Myers	NRCS

The meeting began at 9:30 AM with introductions. Gary Moore led and facilitated the discussion that followed. A summary of discussion topics and the significant conclusions are summarized as follows:

Minutes from the August 24, 2006 TAC meeting were reviewed with one change noted Mr. Spencer Yeager of Culpeper should have been included in the New Practices subcommittee members, the summary was approved. These minutes will be posted on the DCR web page.

**Old Business**

Suggested language change for inclusion in PY 2008 manual

- SL-8C - Failure by the participant to comply with any and all terms of this practice will constitute a breach of that participant's Contract for Three Year Implementation of Ag BMP Practices. In the event of a breach, the **SWCD and DCR** may immediately terminate its entire obligation under that agreement and any other agreements associated with the participant's cover crop cost-share practices. No pro-rata payment of cost-share benefits shall be available in the event of breach. Committee approved with no comments.
- "Extreme Act of Nature" (EAN) draft language was reviewed. After much discussion, the committee recommended several changes and a subcommittee was formed to modify language and review the Hardship language in Section I, page 21 for compatibility. *Subcommittee members: Gary Moore, Debbie Cross, Ed Overton, Craig Brann*
- Discussion on revising WP-4C from composting facility to Animal Mortality Facility with an option for cost-sharing on composting facility and incinerators.

Staff suggests based upon field input and experience from modifying the tracking program that rather than adding language to the existing specification that a new practice be generated. This will allow a data query that can answer the question of how many incinerators and how many composting facilities have been cost-shared by searching for each practice number, rather than have to add drop down menus and new fields to the data entry process. A draft WP-4F Mortality Incinerator specification has been generated for your consideration. *The committee recommended including the practice in the 2008 Program year and recommended a cost-share payment rate of 75%.*

- SL-11B, rename and add concrete pad in front of chicken houses as eligible for tax credit. Gary spoke with Matt Lyons (NRCS State Engineer) about the existing specifications for litter sheds. NRCS does not include a concrete pad around litter storage sheds, as they felt the real benefit is in keeping the rain away from the litter, storage on a dirt floor provides enough protection if the shed is properly located to prevent overland runoff from flowing through the shed. Matt did not see the benefits of surrounding a dirt-floored litter shed with a concrete pad. Discussion by group recommended review of the WP-4 Practice to include cost-share eligibility of the Heavy Use Protection standard for this practice.
  - The committee suggested modifying Section C. 1. **h.** to read “*For the retro-fit of a concrete slab across the front of existing poultry houses and litter stacking sheds to contain spilled and tracked litter and effect better cleanup (not to finance slabs on new facilities, but to address existing water quality problems).*”
- Review of new draft one page transfer of maintenance responsibility form, and amended manual language. The committee recommended changes to the Agreement to include “Action Taken by the SWCD BOD” in place of the “Approved By” language. The committee also recommended adding, “It is incumbent on the new participant to confirm Practice is in compliance with the Soil and Water Conservation District.” Changes will be sent to Ryan Brown, OAG for review. The draft language for the manual was edited and is submitted as amended.

Practice Failures, page I-20:

*Where ownership or leasehold of the property has changed, the original applicant is still the individual responsible for the maintenance of the practice, and failing that, for the return of the cost-share funds. The terms of the sales agreement, lease assignment, or other transaction document for any property with a cost-shared practice present should address this responsibility and be legally effective to transfer it to the new property owner/lessee. Upon the transfer of ownership or leasehold of the property, the original applicant must present to the SWCD either an executed copy of the, “Agricultural Best Management Practice Maintenance Agreement Transferring Responsibility for Best Management Practice” transferring legal responsibility for maintenance of the practice to the new property owner/lessee or (2) a pro-rated return of cost-share funds.*

- Discussion about increasing \$50,000 per applicant per year cost-share cap

Results of search about when \$50,000 cap on cost-share practices was instituted; During the 1996 program year which extended from 07/01/1996 to 12/31/1997 the crop and pastureland BMP limit was between \$2,000 and \$7,500 based upon each BOD’s determination. WP-4 and WP-4B limited to \$7,500 to \$20,000 per applicant per year. “WP-4C \$3,000 per applicant per year. Any combination of multiple animal waste BMP request or installations is limited to \$7,500 or \$20,000 (where applicable see WP-4 specifications).” Applicants may receive the amount of cost-share limits for both animal waste and crop/pastureland BMPs resulting in a combined limit of \$15,000 to \$27,500 (where applicable see WP-4 specifications) per applicant per year. The maximum individual payment or “cap” cannot exceed these limits. The 1998 program (calendar) year, individual cost-share limit for all BMPs per applicant per year was changed to \$50,000.

*The committee supported raising the cap to \$70,000 per applicant per year on all practices except Animal Waste (WP-4). The cap for the WP-4 practices would change*

*to \$100,000 per applicant, per year. The committee supported these changes becoming effective July 1, 2007 for the 2008 Program Year.*

- Report from Subcommittee on contracted practice for the livestock producers that might include SL-6, WP-2, WP-2A, WP-4, WP-4B, WP-4C; **Members:** Van Gallier, Wayne Turley, Mark Hollberg, Robert Bradford, and Gary Moore  
*Gary distributed subcommittee meeting minutes and a draft practice “Three Year Stream Exclusion Contract” – SEC-1 for the committee to review for approval at the January meeting. Gary reviewed the “Flash Grazing” policy and its application to this practice. Wilmer Stoneman voiced his lack of support for the flash grazing policy.*
- Report from the New Practice Subcommittee for BMP practices to increase no till systems and cover crop implementation in the Shenandoah Valley and South eastern portions of VA  
**Members:** Dale Gardner, Richard Fitzgerald, Craig Brann, Chris Lawrence, Jim Tate, Brian Jones, Debbie Cross, Representative from either Chowan Basin or Peanut SWCD, Spencer Yeager, Gary Moore  
*Gary distributed subcommittee-meeting minutes from October 16<sup>th</sup> and November 7<sup>th</sup> for review and discussion. The subcommittee will meet again on December 12<sup>th</sup> at the DOF Region III office in Charlottesville.*
- Hanover-Caroline SWCD suggests that one-half (1/2) of the cover crop cost-share payment might be paid after verification of the seeding date by the SWCD. This payment would reimburse the participant for expenses associated with planting the cover crop (seed, fuel, labor, etc). Issuing one-half of the payment in the fall might reduce the number of cancelled cover crop practices in the spring as the participant would have to return the payment if he cancelled the practice or harvested the cover crop. Jim Tate from Hanover-Caroline SWCD did not attend this meeting so the issue was tabled for discussion at next meeting.
- Craig Brann brought forward a suggestion from the Chowan Basin SWCD to extent the planting dates for cover crops due the disaster declaration and extremely wet fall, i. e. Ernesto followed by the Nor’easter.

## **New Business**

Gary discussed the possibility of requiring implementation of nutrient management plans for other cropland practices. The TAC will discuss at the next meeting.

Gary discussed new CREP eligibility based upon HUCs that have recently approved TMDL Implementation Plans.

Gary distributed a draft letter providing guidance to SWCDs to clarify the inconsistency in the manual with the training program on priority considerations for the SL-8C contractual acres need to meet the basic WQI and EI program requirements. After review, several recommendations were made to modify the draft and distribute as soon as possible.

## **SWCD Letters and Suggestions:**

Shenandoah Valley SWCD letter: The committee reviewed the letter item by item and recommended the following actions:

- **SL-8B-Small Grain Cover Crop for Nutrient Management**

*This effort is already underway with a subcommittee presently meeting to develop a harvestable cover crop and another no till practice.*

- "If the harvest of cover crop acreage is not authorized, it is essential that the harvested acres be tracked and recorded to insure that "credit" is given in the "model" for the benefit that is achieved by these harvested cover crop acres".

*BMPs that meet program specifications may be entered as voluntary installations and will be reported to the CBP as appropriate.*

- "Adjusting the late planting date for cover crops to November 1<sup>st</sup> for the Mountain and Valley region of Virginia"

*The committee has discussed this item previously not interested in considering the issue again at this time. Please review comments from the 8/24/06 TAC summary. The existing planting dates are focused on the end of the agronomic planting dates as recommended by both VT and NRCS and meet the CBP criteria for cover crops. Cover crops that are planted later than 14 days after the published average first killing frost receive no credit in the Chesapeake Bay Watershed model for nutrient or sediment reductions.*

- "We also suggest that the committee consider including annual rye grass in the list of eligible cover crops for cost-share under the SL-8B specification."

*The committee suggested that Gary discuss this item with a Shenandoah Valley SWCD conservation Technician to better understand why "this is need for Valley producers." Gary spoke to Megan Dalton on Nov. 15 2006, about this suggestion. She stated that many valley producers are using annual rye grass, that is successfully germinating and providing adequate winter cover but cannot be reported because it does not meet specifications. We discussed Shen. V. gathering records and pictures comparing growth and cover produced by existing approved cover crop species as compared to annual rye grass planted a approximately the same time and providing a presentation at the upcoming January 11, 2007 TAC meeting.*

- **Combination of the SL-8B Small Grain Cover Crop Practice and WQ-4 Legume Cover Crop Practice**
  - *A grain and legume cover crop is possible under the present specifications; farmers may add a legume such as vetch to their grain cover crops should they so choose, at their expense, with no additional cost-share available if this option is taken.*
- **SL-6 Rotational Grazing System "add on" to the CREP program**
  - *This issue will be discussed at a meeting of the CREP advisory committee. The CREP program is not intended to provide "maximum agronomic benefit for the pasture acreage" CREP is designed to provide environmental benefit to the stream and increase wildlife habitat.*
- **WP-4C Composter for Large Animals**

- This issue is being addressed currently.
- **Track and record voluntary BMPs that do not meet current BMP specifications**
  - *Voluntary practices that do not meet state or Chesapeake Bay Program specifications cannot be counted in the Chesapeake Bay Water Quality model. No defined reductions can be assigned, as each is unique. Regardless of counting in the CBP water quality model if the practices are providing benefits then those benefits should be reflected in the water quality monitoring data, which after all is what the monitoring is try to predict.*
- **Develop a Tax-Credit Program for Scales**
  - *This suggestion has been discussed previously and not supported by the committee. While the agronomic benefits are obvious the water quality benefits are indirect at best.*
- **Rotational Grazing Systems for Pastures without a live water body**
  - *The environmental benefit obtained from the implementation of a grazing system on a pasture removed from a live water source does not justify the expense, again the cost-share program is not about providing maximum agronomic benefit to the farmer it is about providing maximum environmental benefits to the water resources and the taxpayers.*
- **Reduction of Fencing Requirements and Standards for certain situations**
  - *The committee will await the results of research underway to analyze the possibilities. One areas of concern is that if NRCS specifications are not followed as specified then NRCS will no provide engineering services for that practice. It is understood that reducing fencing requirements will reduce the cost of implementing the practice and therefore probably increase the demand for the practice, however increasing participation without increasing the environmental benefits from practice implementation is not in the best interest of the program.*
- **WP-4B Loafing Lot System Loose Housing component**
  - *This is rumor the committee is not currently considering this change. Gary will look at developing a need determination worksheet based off of the NRCS risk assessment for livestock concentrations criteria developed for use in the Shen. Valley*

## **CREP**

DCR is in discussion with NRCS to conduct four regional CREP trainings for conservation partner agency (NRSC, SWCD, FSA, DOF, DGIF, NGOs) Locations: VCE Blackstone, DOF Charlottesville, VSU Pavilion, and TBD in Southwest VA. Further information will be distributed when times and locations have been confirmed.

## **Agency Updates**

DCR has developed guidance language on the use of Volunteer Labor for Cost-Share reimbursement. Committee reviewed and recommended that it be added to the 2008 Program Manual.

The next meeting is scheduled for January 11, 2007 at 9:30 a.m. DOF Charlottesville, VA

Please distribute to interested staff, directors and partner agencies so that the efforts of this committee can be understood, and its time focused on issues important to program advancement.